

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SERGEANT DANIEL LANGFORD, DETECTIVE
THOMAS BARKER, POLICE OFFICER JOHN
NORDONE, POLICE OFFICER MITCHELL SERLIN,
DETECTIVE KENNETH HASKO and
DETECTIVE MARK CAREY,

Plaintiffs,

RULE 26(a)
PLAINTIFFS RESPONSE

-against-

07 Civ 8413 [CLB]
(Charles L. Brieant)

THE COUNTY OF WESTCHESTER and
WESTCHESTER COUNTY DEPARTMENT OF
PUBLIC SAFETY,

Defendants.

-----X
The Plaintiffs, **SERGEANT DANIEL LANGFORD, DETECTIVE, THOMAS BARKER, POLICE OFFICER JOHN NORDONE, POLICE OFFICER MITCHELL SERLIN, DETECTIVE KENNETH HASKO and DETECTIVE MARK CAREY**, by their attorneys KUCZINSKI VILA & ASSOCIATES, LLP, as and for their Rule 26 (a) (1) Statement, sets forth as follows:

A. The following are the names and addresses of persons with discoverable information and/or witnesses to the employment of plaintiff GREGORY BELFIELD:

- Daniel J. Langford
11 Deerwood Dr.
Hopewell Junction, NY 12533-6436
- Thomas Barker
P.O.Box 331
Mahopac Falls, NY 10542
- John Nordone
57 Cayuga Road
Yonkers, N.Y. 10710-5147

- Mark Carey
55 Barrett Hill Rd.
Mahopac, N.Y. 10541
- Mitchell Serlin
124 Walsh Rd.
LaGrangeville, NY 12540-6223
- Randall Rice
Address currently unknown
- Lt. Richard Daubman
Special Operations Division
Westchester County Dept. Of Public Safety
One Saw Mill River Parkway

All with information concerning canine related work and requirements of the Department with respect to daily training of canines, as well as information concerning canine related work and requirements of the Department with respect to daily training of canines.

- Police Officer Michael Hagan
President of the PBA
Westchester County Dept. Of Public Safety
One Saw Mill River Parkway
- Detective Stephen Smith
Executive vice president of the PBA
Westchester County Dept. Of Public Safety
One Saw Mill River Parkway

All with information concerning canine related work and requirements of the Department with respect to daily training of canines.

B. The following documents, attached hereto, are relevant to disputed facts in this case:

- Collective Bargaining Agreements and/or Interest Arbitration awards entered into by the County of Westchester and the PBA.;

- Plaintiff Langford's Memorandum to Lt. Richard Daubman dated June 19, 2006, with attachments, advising that the defendants are in violation of the FLSA.
- Standard Operating Procedure No. 7410 directing the number of hours that each canine officer will spend on a daily basis training the canines.
- Administrative Report from then P.O. Randall Rice to Capt. Stasaitis requesting a meeting to resolve the stipends paid to canine officers, dated 10/08/03.
- Memorandum from then Sgt. Daubman in response to P.O. White's request, dated October 15, 2004.
- Collective Bargaining proposal for canine stipend increase for the 2005 through 2006 year, which was rejected by the defendants.

C. Plaintiffs, claim the following, as and for damages in this action:

Compensatory Damages

Off duty time rate of pay, based on their rank and longevity, from the low of \$60.00 per hour to a high of \$78.00 per hour, for 8 hours per week (2 RDO's @ 4 hours each), for 52 weeks in the amount of a low of \$24,960.00 to a high of \$32,448.00 per year, per officer.

Punitive Damages

Punitive damages pursuant to the FLSA, back money for three years and treble damages in the amount of a low of \$74,880.00 to a high of \$97,344.00 for the defendants willful violations of the FLSA.

Legal Fees

Legal fees pursuant to the FLSA for the willful violations of the Defendants. Legal fees are currently approximately \$7,000.00.

The plaintiffs will supplement the foregoing responses if and when additional information becomes available.

Dated: Tarrytown, New York
February 5, 2008

Yours, etc.,

By: 

GREGORY KUCZINSKI, ESQ (GK 3191)
KUCZINSKI VILA & ASSOCIATES, LLP
Attorneys for Defendants

**SERGEANT DANIEL LANGFORD,
DETECTIVE, THOMAS BARKER,
POLICE OFFICER JOHN NORDONE,
POLICE OFFICER MITCHELL SERLIN,
DETECTIVE KENNETH HASKO and
DETECTIVE MARK CAREY**

220 White Plains Road
Tarrytown, New York 10591
(914) 347-7333

TO: Charlene M. Indelicato
Westchester County Attorney
Attorney for Defendants
By: Justin D. Pruyne (JP9594)
148 Martine Avenue, 6th Floor
White Plains, New York 10601
(914) 995-5102

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Docket #: 07 Civ 8413 [CLB]

SERGEANT DANIEL LANGFORD, DETECTIVE THOMAS BARKER, POLICE OFFICER
JOHN NORDONE, POLICE OFFICER MITCHELL SERLIN, DETECTIVE KENNETH HASKO
and DETECTIVE MARK CASEY,

Plaintiff,

-against-

THE COUNTY OF WESTCHESTER and WESTCHESTER COUNTY DEPARTMENT OF
PUBLIC SAFETY,

Defendant.

RULE 26(a) Plaintiff's Response

KUCZINSKI, VILA & ASSOCIATES, LLP
220 White Plains Road, 2nd Floor
Tarrytown, New York 10591
(914) 347-7333
Attorneys for Plaintiffs

Pursuant to 22NYCRR 130-1-1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed documents are not frivolous.

Dated: February 6, 2008

Signature: _____

Print Signer's Name: GREGORY KUCZINSKI, ESQ.

Service of a copy of the within
Dated:

is hereby admitted.

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Attorney(s) for

PLEASE TAKE NOTICE

[] that the within is a (certified) true copy of a
NOTICE OF entered in the office of the clerk of the within named Court on
ENTRY

[] that an Order of which the within is a true copy will be presented for settlement
NOTICE OF to the Hon. one of the judges of the within named Court,
SETTLEMENT at
on , at M.

Dated:

KUCZINSKI, VILA & ASSOCIATES, LLP
Attorneys for Plaintiffs
220 White Plains Road
Tarrytown, New York 10591
(914) 347-7333

To:

Attorneys(s) for